

## **Detailed Action**

### **Claim Rejections 35 USC 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Kohorn 5,368,129.

As per claim 1

Von Kohorn (129) discloses:

The method of promoting a product or service comprising offering said product or service for sale either at first predetermined normal price or at a second predetermined reduced price if a chance event with a known probability occurs at the time of sale. (see column 6 lines 55-63 and column 7 lines 30-40)

As per claims 2,5 and 15

Von Kohorn (129) discloses:

The method of promoting a product or service, wherein said reduced price is zero. (see column 6 lines 59-60 column 7 lines 2-5 and column 9 lines 16-18)

As per claim 3

Von Kohorn (129) discloses:

The method of promoting a product or service, wherein the occurrence of said chance event is determined by generating a random or pseudo-random number and

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determining whether or not said number satisfies specified criteria. (see column 4 lines 26-28 and 65-68)

As per claim 4

Von Kohorn (129) discloses:

The method of promoting a product or service, wherein said step of offering said product or service for sale is followed by the further steps of:

receiving an acceptance of said offer by a purchaser, (see column 9 lines 34-38)

performing a random or pseudo-random process to produce said chance event with said known probability, (see column 6 lines 49-51 and lines 64-67)

accepting from said purchaser a payment of said normal price if said chance event does not occur or accepting a payment of said reduced price if said chance event does occur. (see column 9 lines 39-42)

As per claims 6 and 12

Von Kohorn (129) discloses:

The method of promoting a product or service, wherein the probability of occurrence of said chance event is preset by the seller. (see column 6 lines 49-51)

As per claims 7, 13 and 20

Von Kohorn (129) discloses:

The method of promoting products or services, wherein the probability at which said chance events are expected to occur is included in the information provided to the purchaser at the time of sale. (see column 7 lines 36-40)

As per claim 8

Von Kohorn (129) discloses:

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The method of promoting a product or service, wherein a purchaser is given the opportunity at the time of sale to elect to receive a predetermined discount rather than at said reduced price if said chance event occurs.(see column 8 lines 3-5 and lines 55-64)

As per claims 9, 11 and 18

Von Kohorn (129) discloses:

The method of promoting a product or service comprising offering said product or service for sale at first predetermined normal price or alternatively providing said product or service at no cost to the purchaser if a chance event occurs that is expected to occur only with a predetermined probability said product is sold.(see column 6 lines 52-63)

As per claim 10

Von Kohorn (129) discloses:

The method of promoting a product or service, wherein each purchaser that receives said product or service at no cost is selected by said chance event which occurs prior to the time Said purchaser elects to purchase said product or service and wherein, purchasers are advised prior to making any purchase that they may have been selected to receive said product or service at no cost. (See column 9 lines 16-24)

As per claim 14

Von Kohorn (129) discloses:

Apparatus for executing the sale of goods or services comprising, in combination, means for storing the normal sale price of said goods or services, (see column 4 lines 5-8)

means for storing a control value that specifies the probability with which a chance event will occur when a random event generation process is performed, (see column 4 lines 26-33)

means for performing said random event generation process at or before the time when identified goods or services are being purchased by a purchaser, (see column 4 lines 65-68)

means for presenting a request for payment from said purchaser at either said normal sale price of said identified goods or services if said chance event does not occur and at a reduced sale price if said random event does occur. (see column 9 lines 34-38)

As per claims 16

Von Kohorn (129) discloses:

Apparatus for executing the sale of goods or services, including means for accepting and storing said reduced sale price of said goods prior to the time when said identified goods or services are being purchased by said purchaser. (see column 4 lines 9-13)

As per claims 17

Von Kohorn (129) discloses:

Apparatus for executing the sale of goods or services, wherein said random event generation process is performed prior to said time when said identified goods are purchased to randomly select individual purchasers who are to be charged said reduced sale price. (see column 6 lines 35-43)

As per claims 19

Von Kohorn (129) discloses:

The method of promoting products or services, wherein said stated prices and said reduced prices are included in the information provided to the purchaser prior to said time of sale. (see column 7 lines 35-42)

### **Other arts cited but not used**

Johnsen 5,250,789  
Salvatore 5,002,313

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STACIE D. GATLING whose telephone number is (571)270-1575. The examiner can normally be reached on Monday - Friday; 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/  
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